

Docket No.: NHL-HOL-63
Serial No.: 10/723,451
Customer No.: 00432

REMARKS

This Preliminary Amendment is being submitted in order to amend the claims in accordance with the discussion between the Examiner and the undersigned in the telephonic interview of July 21, 2006. This Preliminary Amendment further amends the claims amended in the Amendment Under 37 C.F.R. §1.116, filed June 23, 2006. Entry and consideration of the Amendment Under 37 C.F.R. §1.116, filed June 23, 2006, was requested in the Request for Continued Examination (RCE) submitted herewith.

New Issues:

It should be noted that the Amendment Under 37 C.F.R. §1.116, filed June 23, 2006 was originally not entered or considered because the amendments to the claims presented therein raised new issues according to the Examiner as stated in the Advisory Action mailed July 19, 2006. It is therefore respectfully submitted that should another search of the prior art be conducted and/or another office action be issued in the present application, such an office action should be a non-final office action.

Telephonic Interview:

The undersigned would like to sincerely thank the Examiner for the courtesies extended during a telephonic interview between the Examiner and the undersigned on July 21, 2006. During the telephonic interview, Claim 14 was primarily discussed.

An official agreement was not reached between the Examiner and the undersigned as to the allowability of Claim 14 over the applied prior art to Vamvakas. Specifically, the Examiner stated that the claimed "first conveyer structure" and "second conveyer structure," in their broadest interpretation, included more than just conveyer belts, and thus read on the invention of Vamvakas. The undersigned therefore proposed to amend the claims as amended herein to clearly identify the first and second conveyer structures as being conveyer belts. The Examiner indicated that if claims including such clarifying language were submitted in a continuation, such as the RCE submitted herewith, that such claims would receive highly favorable consideration. Accordingly, the claims have been amended herein to recite conveyer belts rather than conveyer structures.

The telephonic interview is further summarized below in the section entitled "Recordation of the Substance of the Telephonic Interview."

Recordation of the Substance of the Telephonic Interview:

In order to render this Preliminary Amendment complete, the following is a recordation of the substance of the telephonic interview conducted with the Examiner on July 21, 2006:

- 1) No exhibits were shown, nor were any demonstrations conducted.
- 2) Primarily, Claim 14 was discussed.
- 3) Primarily, the prior art discussed was Vamvakas (US 3552537).
- 4) Applicant's representative essentially proposed to amend the claims in the manner set forth in this Amendment.
- 5) Generally, Applicant's representative submitted, inter alia, that the prior art discussed did not teach nor suggest diverging conveyer belts, such as claimed in amended Claim 14.
- 6) Generally no other pertinent matters were discussed.
- 7) The general outcome of the interview was an indication from the Examiner that if the claims were amended to more clearly recite conveyer belts rather than conveyer structures, such claims would receive highly favorable consideration.

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Art Made of Record:

The prior art made of record and not applied has been carefully reviewed, and it is submitted that it does not, either taken singly or in any reasonable combination with the other prior art of record, defeat the patentability of the present invention or render the present invention obvious. Further, Applicants are in agreement with the Examiner that the prior art made of record and not applied does not appear to be material to the patentability of the claims currently pending in this application.

In view of the above, it is respectfully submitted that this application is in condition for allowance, and early action towards that end is respectfully requested.

Summary and Conclusion:

It is submitted that Applicants have provided a new and unique BEVERAGE BOTTLING PLANT FOR FILLING BEVERAGE BOTTLES OR OTHER BEVERAGE CONTAINERS WITH A LIQUID BEVERAGE FILLING MATERIAL AND AN ARRANGEMENT FOR DIVIDING AND SEPARATING OF A STREAM OF BEVERAGE BOTTLES OR OTHER BEVERAGE CONTAINERS. It is submitted that the claims, as amended, are fully distinguishable from the prior art. Therefore, it is

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requested that a Notice of Allowance be issued at an early date.

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Respectfully submitted,

/Nils H. Ljungman/

Nils H. Ljungman, Esq.
Attorney for the Applicant
Reg. No. 25,997
Name of person signing certification
Nils H. Ljungman & Associates
P.O. Box 130
Greensburg, PA 15601-0130
Telephone: (724) 836-2305
Facsimile: (724) 836-2313